

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FLOYD W. THOMAS, JR., individually and on :	:	
behalf of all persons similarly situated,	:	
	:	Civil Action No.: 2:10-cv-01591-RCM
Plaintiff,	:	
	:	Judge Robert C. Mitchell
v.	:	
ALLIS-CHALMERS ENERGY, INC. and	:	ELECTRONICALLY FILED
AIRCOMP, LLC,	:	
	:	
Defendants.	:	

**PLAINTIFF’S UNOPPOSED MOTION
FOR FINAL APPROVAL OF THE SETTLEMENT AGREEMENT**

Plaintiff Floyd W. Thomas, Jr. (“Plaintiff”) moves this Court for an Order:

1. Granting final approval of the parties’ Settlement Agreement, submitted to the Court at Dkt. No. 183-2;
2. For purposes of settling this lawsuit, finally certifying the following State Settlement Class pending final approval of the settlement: all individuals who are current or former employees of Defendants Allis-Chalmers Energy Inc. or AirComp, LLC (or its successor Archer Underbalanced Services LLC) who worked in the Commonwealth of Pennsylvania at any time between December 16, 2008 and August 28, 2011, who were classified as non-exempt and paid pursuant to a daily rate compensation system, including but not limited to Operators and those in similarly titled positions;
3. Appointing Floyd W. Thomas, Jr. as the Representative of the State Settlement Class;
4. Appointing Berger & Montague, P.C. and Hardin & Hughes, LLP as Class Counsel for the State Settlement Class, and approving Class Counsel’s fees and costs, as set forth in Plaintiff’s Motion for Approval of Fees and Costs;

5. Appointing Heffler, Radetich & Saitta LLP as Claims Administrator and finally approving the costs of claims administration;

6. Dismissing this class and collective action with prejudice.

This Motion is based on the accompanying Memorandum of Law, the Declaration of Edward Sincavage of Heffler, Radetich & Saitta, and all other records, pleadings and papers on file in this action.

A proposed Order is submitted for the Court's consideration.

Dated: September 6, 2012

Respectfully submitted,

s/ Shanon J. Carson
Shanon J. Carson (PA 85957)
Sarah R. Schalman-Bergen (PA 206211)
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Telephone: (215) 875-4656
Facsimile: (215) 875-4604
scarson@bm.net
sschalman-bergen@bm.net

David A. Hughes (*pro hac vice*)
HARDIN & HUGHES, LLP
2121 14th Street
Tuscaloosa, AL 35401
(205) 344-6690
(205) 344-6188 (Facsimile)
dhughes@hardinhughes.com

Attorneys for Plaintiff and the Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon counsel for Defendants through the Court's ECF system this 6th day of September, 2012, addressed as follows:

Patrick W. Ritchey
pritchey@reedsmith.com

Charles W. Kelly
cwkelly@kslawyers.com

s/ Sarah R. Schalman-Bergen
Sarah R. Schalman-Bergen